

**Region 7 Citizens Advisory Committee (CAC)**  
**Winter Meeting**  
**December 13, 2017 – Region 7 Headquarters**

**FWP Staff Present:** Brad Schmitz, Mike Backes, Erin O'Connor, Marla Prell, Jack Austin, John Ensign, Brandi Skone, Ryan DeVore, Vanessa Zeitner and Kyle Queer

**CAC Members Present:** Bob Gilbert, Bob Hagedorn, George Luther, Gary Sparks, Ed Bukoskey, Ed Joiner, Dale Kreiman and Glenn Heitz

**Guests Present:** Representative Ken Holmlund (HD38), Representative Alan Doane (HD36), Senator Steve Hinebaugh (SD18) and Dee Gilbert

Brad Schmitz, Regional Supervisor, began the meeting by welcoming everyone. He briefly explained how our CAC functions, consisting of usually a tour somewhere in the region in the summer and then a more formal business meeting in the winter. We're glad to have some of our legislators join us today. He then reviewed the agenda and asked all to introduce themselves.

**Budget/Branding/Vision & Guide**

Brad referred to our recently updated Vision & Guide document. The most recent update effort took place in 2016. This is a guide for how we manage public trust resources. Brad directed attention to a handout that summarizes our commitments, mission and core values as defined in the Vision & Guide. The basic language of the Vision & Guide hasn't really changed from previous versions as a lot of it is outlined in statute as to what our agency is supposed to do. We serve the public, manage the resources, and build capacity.

Brad then briefly discussed the Department's branding efforts. Our new Director, Martha Williams, has said we shouldn't stop at our Vision & Guide, and should also look at our 'brand'. Our brand is how we act and execute the tasks mentioned in the Vision & Guide. Director Williams has put together a committee to look at how we internally execute the items in the Vision & Guide and how we can do better. There has been discussion and rumors circulating about the Department changing its logo. If the logo changes, it may not be a drastic change. Brad reminded folks that something like a logo change is less important than how we conduct ourselves and what we do. There is a perception that we're re-tooling our image, which is not being received well considering the budget deficit. Director Williams is aware of this and understands it. Brad believes her main goal is to create unification and a consistent message from across the state.

Brad then moved on to discuss budgets. The Department and State's budget picture has been rosier. Anything we do with funding goes through a legislative process. FWP is unique compared to other agencies as ninety-eight percent of our funding comes from license dollars or federal aid programs such as the Pittman-Robertson and Dingell-Johnson excise taxes. These are taxes on hunting and fishing equipment distributed to states based on population and hunting and fishing participation. This is a good, secure source of funding but is dependent on users. Less than 2% of approximately \$60 million of funding for the agency comes from the General Fund. We used to have to ask for a license fee increase about every 10 years, but changed to a four-year cycle a few years ago. It appears right now that we may be able to make six years instead of four based on our current savings.

Rep. Doane asked Brad if the proposed motor pool cutback was going to affect us, to which Brad replied it would not as FWP owns its vehicles. Our vehicles are paid for through user fees. When fuel prices were high a few years back, we weren't able to purchase much for newer vehicles. However, in the last couple years we've been able to purchase some new vehicles and are getting caught up on phasing out older, high mileage vehicles that need to be replaced.

### **Enforcement Update**

Region 7 Warden Captain Jack Austin provided a presentation on how Enforcement functions in this region, along with an update on some noteworthy cases and what his crew has been working on of late. Region 7 has one captain, two sergeants, one criminal investigator and eight field wardens. The region is approximately 180 miles from east to west and 225 miles from north to south. Warden activities include such things as hunter and angler contacts, livestock depredation, urban wildlife issues, boater safety and education, aquatic invasive species (AIS), wildlife violations, license fraud, landowner contacts and working on long-term cases. In an average year, Region 7 wardens make contact with 3,000 anglers, 2,000 hunters, 400 boaters, 500 park users and 800 landowners. They investigate 250 wildlife cases and 600 residency violations, write 350 tickets and 200 written warnings and give 300 verbal warnings.

Jack went on to further explain the Pittman-Robertson Act. This is an 11% excise tax on firearms and ammunition and is a source of some of the Department's funding. It's been a great tool for conservation. However, this funding cannot be used for law enforcement work. Through our last fiscal year, 85% of wardens' hours were funded by license dollars and the remaining 15% was funded by miscellaneous projects. License dollars are flexible and can be spent doing most any kind of work. Starting with the current fiscal year which started July 1, 45% of wardens' hours are now funded by license dollars and the remaining 55% are funded by miscellaneous projects, mostly Pittman-Robertson (PR) funds. Every single warden, sergeant and captain was given about 650 hours of PR work that must be completed during the fiscal year. Those hours are not flexible and cannot be spent doing law enforcement work. This amounts in Region 7 to 7,800 hours, or the equivalent of four full-time employees. Statewide this is 73,500 hours, or the same as 35 full-time employees. Wardens must spend those hours performing tasks such as biological work, working on access, Wildlife Management Area maintenance and assisting with wildlife management goal implementation. Region 7 wardens have been filling their time by helping survey wildlife, performing habitat work, assisting at biological check stations, working in the Block Management office, doing data entry and signing public land. Jack commented that this is different work than most wardens are used to; some of the older wardens in particular are struggling a bit and finding it unfulfilling. He feels there is a silver lining to this, though, in that wardens have been forced out of their "old routines" and are working more closely with the Wildlife division now, which is a positive for everyone. Wildlife staff have been good about helping Enforcement find good, meaningful projects to work on.

Rep. Holmlund inquired as to how tracking these hours is going. Is it requiring lots of additional time and effort? Jack replied that it is taking considerable time as well as attention to detail. These hours will be audited so they must be very well tracked. He went on to say that office time is often hard to track because you are frequently interrupted. Brad added that Jack and our sergeants have to track the field wardens and their work a lot closer now. If we fail the audit, the Department would have to pay back about \$3 million.

Mike Backes, Region 7 Fisheries Manager, clarified for those who weren't aware that state employees are limited to 2,080 hours in a year. These 650+/- hours are not in addition to those 2,080

hours, so have a large impact on how time is spent. Brad added that this is a definite and noticeable shift in duties. One example is that some of the assistance Enforcement would normally provide to Fisheries has unfortunately fallen by the wayside. There's a few challenges that we're still trying to figure out if this funding mechanism stays the same in the future. Regardless, wardens are still trying to do positive work that counts. One additional point Jack made was there are some things that will be measurable, such as less angler or hunter contacts, or less tickets. But what's not measurable is the number of significant cases that require long term investigation that were never made because wardens didn't have enforcement hours needed to work them.

Jack mentioned that on top of the 650 +/- PR hours, wardens are mandated so many hours of training, Coast Guard work, Parks work, AIS assistance, etc., each year. When you add those responsibilities to the 650 +/- hours, it means considerable less time in the field. He estimates that in some cases we're down to more or less 1,000 hours of law enforcement hours per warden per year. However, one bright spot is that this shift in hours, combined with the 2015 license fee increase, could potentially allow the Department to go six years instead of the anticipated four before having to consider a license fee increase again.

Rep. Holmlund asked if there has been turnover because of this change. Brad replied that the shuffle of wardens in eastern Montana is normal. We frequently get new wardens who put in the required amount of time for their initial duty station here and then go on to districts in the western part of the state. However, he has noticed that some wardens are struggling with this change.

Ed B. commented that two Sessions ago warden salaries came up. He talks to a lot of different people, and the common theme seems to be that the public does not like what is going on with the wardens and this shift in duties. He feels that folks would be willing to pay more on their licenses to help the wardens out.

Rep. Holmlund asked if it is the intention of the Department to come back to Section C. Brad said he thinks the Department will step up to Legislators regarding this shift. PR dollars were very high at the time that this came to be so it helped us with funding, but the reality of implementation has been very rough for us. We are watching this closely and trying to keep a positive view while we assess the on-the-ground effects to determine what's helping or hurting us. He feels Legislators will see our agency leadership come to them with input that the concept is good but the ratios may be a bit skewed.

Bob G. asked if this is the result of a Federal edict or rule-making. Brad stated that this occurred in our budgetary process at the legislature. They looked at funding sources and PR funding was very high at the time, but is starting to go down now. The budget committee thought spending these federal excise tax dollars would help with our funding and save on our license dollars. Rep. Holmlund added that the dollars just weren't there, so legislators saw this as an opportunity.

Jack concluded by saying what makes him most nervous about all this is what will happen when a warden runs out law enforcement hours come April, May, or June and gets a call that they now absolutely cannot respond to. That's why wardens are trying to get as many PR hours as they can under their belts now so they hopefully will still have some law enforcement hours come late in the fiscal year.

Bob G. inquired about approaching Federal folks about changing their policies. Brad commented that it's a great idea and has been tried but has never been accomplished. John Ensign, Region 7 Wildlife Manager, added that it would also take Congressional action.

Next, Rep. Holmlund provided an update on what he's been working on. Parks, particularly Hell Creek State Park, has been an area he's been focused on. The Hell Creek road project will be taking place next spring. Cost is about \$2 million and Prince will likely be doing the work. The plan is for 3" of ¾" crushed gravel mixed with an oil-based product or magnesium chloride and applied to the current road. He feels that the road currently is a detriment to Hell Creek State Park. He hopes by making these improvements that visitation to the park will double.

Rep. Holmlund added that he has been very impressed with Director Williams. He thinks she has good vision but a full plate and hopes people will let her do her job. He's hoping to get together with Beth Shumate, the new Parks Administrator, soon and is looking forward to working with her.

Brad reiterated that the Parks in Focus group, which was a directive from the Governor, will be getting going soon. Director Williams and Ms. Shumate have great focus and we're looking forward to what they will be accomplishing in the next year.

Ed B. asked if the problems with the Hell Creek park infrastructure have been ironed out. Rep. Holmlund replied that yes, they have. There is funding and a plan in place for the water and sewer system. The fish cleaning station has been removed from the original plan because of its high amount of water use.

#### **Chronic Wasting Disease (CWD) Update**

John Ensign provided an update on the current status of CWD. Montana is surrounded on three sides by states or provinces with CWD. The Department has been working on a draft Management Plan for the last 1.5 years. This draft was out for public comment until Dec. 8<sup>th</sup> and will be addressed again by the Fish & Wildlife Commission in February. Ryan DeVore, Broadus-area Wildlife Biologist, is Region 7's representative for an internal working group that labored on this plan. There is also a CWD citizen advisory group, which Ed B. is part of, as well as Tom Geary from Fort Keogh. John praised their efforts and referred to page 10 of the plan where members of that group are listed.

The plan was presented to the Fish & Wildlife Commission in November, followed by the recent public comment period. The Fish & Wildlife Commission will come back in February and approve or disapprove this plan.

John referred to page 36 of the management plan, which shows this year's surveillance area as well as the intended surveillance areas for the next two years. This year's surveillance area took in parts of Regions 3 and 5. Region 6 will be in the surveillance area next year and Region 7 will be in it in 2019. The surveillance plan is funded by PR money. Response is two-phased; Phase 1 is to establish an incident zone which is a 10-mile radius of a positive sample, and Phase 2 is long-term response. The same day that the plan came out to the Commission, we had a positive hit in Region 5.

Rep. Holmlund asked how we establish that it's a 'hit'. John answered that we had been conducting surveillance in the area where the positive hit ended up coming from. Technicians, wardens and biologists took samples from hunter-killed deer that were sent to a lab in Colorado. Rep. Holmlund then asked how hunters know if there's a hazard or not, to which John replied they don't unless they send a sample in. Now that there's a hunt planned in the Bridger area, what we've been telling people

participating in that is to wait to consume any of their meat until they get the results of their samples back.

Ed B. voiced that the CWD advisory group will be looking at some scientific information, etc., when they meet again regarding human safety and meat consumption. At this time there is no confirmed information that shows CWD can be transmitted to humans.

Rep. Holmlund asked if it's possible for CWD to be transmitted to scavengers like eagles and coyotes. John said at this point in time it hasn't been shown that scavengers can be affected. Currently, CWD is a concern in deer, elk, moose and reindeer.

Glenn asked what causes CWD. John replied that there's still questions about this, but its traced back to prions that are even more primitive than a virus. Scientists feel it's something that probably started out like a sheep scrapie and ended up in a research facility in Colorado back in the '60's. Ryan added that CWD has been discovered in a total of 26 states and provinces, and different surveillance efforts have been taking place since the late '90's. Dale asked how CWD is spread from one deer to another, to which John answered it is generally through bodily fluids, feces, etc. Prevalence increases as you get higher densities of deer.

Brad reiterated that even though we're not in the primary surveillance area this year, we are taking some samples in this region and its possible we could have a positive here, too. That was what happened in Region 4. We know CWD is around our border so it's feasible it could be here. Thankfully, it's a slow-moving disease.

John went on to discuss the recently approved Bridger CWD hunt, which will take place in Hunting Districts 510 and 502. The Department is hoping to collect 200 samples of each species of deer from this hunt. If the prevalence is less than 5% that is an acceptable level and we would continue to monitor the situation, but if its higher it will require more depopulation in hopes of preventing further spread.

Ed B. stated that the CWD work group felt large mule deer bucks are the primary carriers and was surprised to find positives in does already. They are also concerned about what would happen if CWD were to be discovered in districts considered "trophy areas" for mule deer bucks such as HD's 270 or 540. Brad referenced the CWD part of our webpage, which includes a multitude of information including current news, special hunt information, etc.

#### **Season Update/Upcoming Season-setting**

Next, John provided an update on the recent hunting season. Overall, he feels it went well. There was a lot of deer out there and people seemed happy. There was a good number of buck harvest, particularly with bucks in the two to three-year old age range. However, one thing John observed was mule deer eating winter forage already in September. This is due to the drought conditions and poor forage availability. He is afraid we could see a good amount of game damage if the weather takes a turn, and reminded everyone that we saw our mule deer herd at 47% above long-term average this spring.

Otherwise, elk and whitetail deer harvest also was good this year, but overall upland bird hunting was poor. With the drought, there was little in the way of insects and forbs. Birds did not fare well this year, but bird populations can bounce back quickly so next year could be completely different.

Ed B. asked if we had any Blue Tongue reports this year. John answered that we did get scattered reports, which is per the norm, but there didn't seem to be any major concentrations of it. Ryan added that what we typically see is EHD, which there is always some, but there were no problems with it this year. Brad added that we try to have enough tag availability, especially in years like this where deer numbers are high, to help keep deer populations in check. John stated that we try our best to match deer numbers with what's available for habitat.

John then moved into our upcoming biannual season-setting process. This began with public scoping back in August. Tentative changes were proposed to the Fish & Wildlife Commission last week and will go to the public for comment now until January 24th. We will be hosting public meetings for this on Jan. 10<sup>th</sup> in Miles City and Jan. 11<sup>th</sup> in Glendive.

Region 7's proposals mostly concerned elk with the intention to hopefully expand the ability for folks to harvest elk. We currently offer a regionwide elk B tag (007-00) that is valid anywhere except the Custer National Forest and the CMR. Our proposal is to open that up so it would be valid everywhere in Region 7 during the archery season. In doing so, the 798-01 archery-only elk B tag specific to HD 700 would be eliminated as it would be rolled into the 007-00 tag. We are also proposing to open general elk hunting outside the Custer National Forest in HD's 702, 704 and 705 to include spike bulls. Another elk proposal is to increase the 799-00 elk B tag for HD's 702, 704 and 705 from 400 to 600 licenses.

We are not proposing any changes to deer or antelope, but do have the flexibility to adjust those quotas each year as needed. Another proposal would be to increase the Region 7 spring black bear quota from two to four. Our final change is to move the boundary between HD's 590 and 702. Currently, the boundary between the two is Highway 47, but we are proposing to move the boundary to the Big Horn River.

Bob G. asked what the rationale is behind the Highway 47 boundary change. John explained there's some differences in the season types between us and Region 5. Many people don't realize there's currently a thin stretch of area where our licenses are valid and Region 5's are not. To us it makes more sense to have the river as the boundary. Brad included that functionally people already think this area is Region 5, so this boundary change would clarify and clean that up.

Brad added that folks can comment on these proposals online or in writing, or can come to one of our public meetings and provide verbal comment.

### **Swift Fox Presentation**

Brandi Skone, Region 7 Wildlife Biologist specializing in nongame animals, provided information on swift fox and some field work taking place here. Swift fox are often confused with red fox or coyotes, but are much smaller – about the size of a house cat. They are the smallest wild canid in North America. You can differentiate them from coyotes and red fox as swift fox are about 1/5 the size of coyotes and have a black tip on their tail rather than a white tip like red fox. Swift fox have a dark tear-stain color below their eyes and do not have dark-colored legs like red fox.

In 2015 the number of swift fox observations in this region nearly doubled. In 2016, we confirmed four den sites in the region. Brandi and Ryan have been leading a project to try to track swift fox and learn more about their movement, specifically targeting juveniles. They have been implementing ear tags and radio collars. so far they have deployed six collars on three males and three males. These animals were collared in the areas of Cohagen, Powderville and Decker. Brandi anticipates that we won't see a ton of movement until likely February when swift fox start seeking mates.

Ed B. asked about a swift fox's food source. Brandi said their diet consists of small mammals, and they will also eat song birds, snakes and insects.

Brandi added that there's a season for swift fox in Region 6 and they are considered a furbearer. Further, John said that we knew there was established populations along the Hi-Line and in Wyoming. We're curious what the linkage is between those populations and ours. Brandi also said they've been sending tissue samples off for DNA testing to see what populations our fox are more closely related to.

Ryan included that the three main mortality factors for swift fox are roadkill, coyotes and illegal harvests from folks who have confused them with coyotes and red fox. They've already had one of their tagged swift fox shot after it was mistaken for a coyote. It's frustrating but is okay from an education standpoint as it helps us get the word out that they're out there.

George commented that he'd heard about swift fox but didn't really get interested in them until a few years ago when some graduate students in the area asked permission to do some filming on property he manages. It was very intriguing.

Brad concluded by saying that this has been fun to be involved with and it's an enjoyable science. John encouraged folks to let us know if they have sightings or hear from others that they've seen swift fox.

### **Roundtable Discussion**

Brad then opened the floor to CAC members and our guests for any discussion.

Sen. Hinebauch stated that he grew up in the Turner area and now ranches east of Glendive near the Wibaux County line. He chose to be a part of the Senate Fish & Game Committee because he sees issues with landowner-hunter relations and wanted to try figure out what those were and why they exist. He came today to listen, learn more about FWP and find out what we we're about. He has gotten to know Director Williams since becoming a senator. She's very energetic and he has established a good relationship with her. He's looking for input and welcomes any we have for him.

Rep. Doane discussed HB597, which is an access easement program to landlocked public land that passed in the last session. The access easements will be held by DNRC. The bill had no opponents and became effective July 1. Next Monday there will be a ceremonial bill signing. Funding is through voluntary donations. Rocky Mountain Elk Foundation will be contributing \$25,000. There will also be a donation check box on the DNRC and FWP websites.

Brad added that he has emailed some information about this to his staff. He and Rep. Doane both mentioned that this program is for all legal access purposes – not just for hunting access. John added that DNRC has hired a new access coordinator. John has met him and he is supposed to come out to this part of the state sometime in January.

Rep. Doane said that the way the bill is written, it takes approval from the Land Board to get money from this funding. However, any individual or organization can bring a proposal to the Land Board. The bill is set to sunset in 10 years; if it's a good program, hopefully it will stay around but if not, it will go away at that time.

Rep. Doane asked Jack if there's something he can think of that Legislators could approach Driver's License Departments with to tighten up proving residency. Jack said in order to get a driver's license, you have to provide a physical address, but there may be loopholes in that. Our residency statute has varied in its rigidity; Jack's not sure if it's gone from better to worse anytime we're tried to tighten that up. Where Enforcement struggles the most is information such as income taxes and the

privacy related to such items. Understandably, Department of Revenue can only give us limited information. Jack then clarified what FWP's requirements are for residency.

Bob H. has been asked by some of his neighbors about a cooperative effort between FWP, Forest Service and BLM to conduct a night-time spotlighting survey. Some landowners were upset about it. He heard members of an area sportsmen's club were also involved and had some inside information about where game may have been located. Brad noted that we are aware of it; it was a Forest Service program. Jack added that it was a habitat measure meant to document wildlife sightings to crunch numbers and compare sightings to habitat sites. Brad also added that some of our staff assisted with the labor for this survey as part of their PR hours. He has quarterly interagency meetings with BLM and Forest Service and he will deliver the message to the Forest Service that they have stepped on some toes.

Bob H. concluded by saying that wildlife numbers seem to be unbelievably good right now.

Ed J. began by saying he had another successful Hunter Ed class this year. He hunted a lot this fall; people he ran into in the field seemed happy. He saw elk more so than usual, which shows him that things are going well. The overall size of elk seems to be great and animals are doing fine. There was an instance of non-tribal individuals poaching on Tribal lands. The Northern Cheyenne Tribe is starting to work on some game laws and may be contacting us for assistance.

George said the Colstrip deer management hunt was successful again this year; harvest numbers were up. Turkey numbers are looking good. He had a few issues this fall with hunters; one was individuals saying land had to be posted or otherwise didn't require permission. Hunters were also traveling over two-track roads to access State parcels. He noticed more people in the field, which means more pressure as well. Anytime that happens there is potential for conflict. Brad said we've got more deer, and in turn more tags, so that means more people out on the landscape. It's not surprising that we're seeing more issues. Marla does a good job of putting out information on common mistakes; maybe we can refine that and put out some type of handout to go with licenses.

George also mentioned that he had a conversation with some hunters about corner crossings. He encouraged them to use the different access programs that are offered instead.

Gary is glad to see we're being proactive about CWD. He agreed with Jack that the silver lining to the PR issue is that wardens are having more contact with the public. He enjoyed the swift fox presentation. He thinks they are mistaken for coyotes most often during the deer season when more people are in the field and think they're a red fox or coyote. We need more public awareness about swift fox to try to curb this. Brad commented that he agreed and elevating the awareness level is something we're glad to work on.

Dale enjoys this committee. His goal is to build relationships between sportsmen, landowners and the Department. He makes it a point to tell hunters on his Block Management that he is part of this committee and to bring any comments or issues they may have to him. One trend he's noticed since joining this committee is that we're losing younger hunters, although he has seen positive things from the youth hunts. He is seeing more nonresident hunters. The second trend he's noticed the last couple years is people talking about the financial benefit of the meat you get from hunting. With today's costs of licenses, gas, and processing meat it makes it less practical to hunt for meat rather than to buy it. It seems like more hunters don't want to mess with their meat. He is afraid we will see more hunters just "head hunting", especially with CWD becoming more of an issue. Is there something we need to do to



make places available for meat to be donated? Brad replied that these are good observations and asked what Dale saw for apprentice hunters this year. The apprentice program has grown exponentially and Brad has seen many positives from it, even after being skeptical about it in the beginning. We have a Hunters Against Hunger program where harvested meat can go to food banks.

Glenn commented that there are numerous places in his area that are rented out to outfitters, and the outfitters are not allowing access to State or BLM land. Can they do that? Brad clarified that they cannot if the public land is legally accessible from a public roadway. Glenn agrees with getting younger hunters out into the field.

Ed B. stated there is some changes coming with the use of crossbows for turkey hunting, which he does not agree with. A committee he's on has worked really hard on the 454 permits. By now everyone is probably aware of the Mars Ranch being sold. There are thousands of acres of BLM within the ranch, and the new owners will not be allowing hunting access. There seems to be a lot of geese and big game being wasted in his area. People are also using game for trapping bait. There is a drone out there now capable of carrying one person; we may be seeing that out there eventually.

Bob G. mentioned youth/apprentice licenses and social media. He has seen several times on social media where people are saying we shouldn't have an age limit on hunting licenses. He thinks any hunting below the age of 10 would not be a good idea. He shares Ed B's sentiments regarding crossbows; they should not be allowed as they are not a true bow. He feels there is a lack of information being provided when mussel-infected vessels have been discovered entering the state. Were they live or dead mussels? There's a difference and its never being said which they were. There should be some clarification so the public knows. That way if live mussels are being brought in, folks can start raising heck about it. He's had personal experience with being denied access to public land because an outfitter has leased the private property around it; it's very frustrating. He's been hearing more and more debate about corner crossings and sees this becoming a bigger issue. Brad agreed that this is going to be a big discussion going forward.

### **Conclusion**

Brad thanked CAC members and legislators for attending. We will be in touch with spring meeting plans.